

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

UNITED STATES OF AMERICA

VS.

JOHN SBLENDORIO

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CRIMINAL NO: 4:24-CR-543-2

**DEFENDANT’S OBJECTION TO THE GOVERNMENT’S
REQUEST TO REASSIGN THIS CASE**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW ANTHONY P. TROIANI, attorney for Defendant, JOHN SPELENDORIO, in the above-styled and numbered cause, and files his objection to the Government’s Notice of Related Cases.

The Government has requested the reassignment of this case to Judge Ewing Werlein, Jr. based on other cases that allegedly have overlapping charges and factual bases assigned to his court. No evidence to support the Government’s position has been presented to Mr. Sblendorio.

Mr. Sblendorio objects to the re-assignment of this case. The Government has provided no basis in law or fact to support the reassignment. The assignment of cases in the Southern District of Texas was widely scrutinized this year. As a result of recent findings in the Southern District of Texas, The Judicial Conference

of the United States has strengthened its policy governing random case assignment limiting the ability of litigants to effectively choose judges in certain cases, *i.e.* judge shopping.

Random case assignment is the historically preferred method of assignment. “Since 1995, the Judicial Conference has strongly supported the random assignment of cases and the notion that all district judges remain generalists,” said Judge Robert J. Conrad, Jr., secretary of the Conference. “The random case-assignment policy deters judge-shopping and the assignment of cases based on the perceived merits or abilities of a particular judge. It promotes the impartiality of proceedings and bolsters public confidence in the federal Judiciary.” *Id.*

The Southern District of Texas’ Division of Work Order (2024-01) for the Houston Division sets out proportion of the total new case load to be distributed to the various district judges. Both Judge Ellison and Judge Werlein are to receive a portion of the annual case load. There is no evidence that the current assignment violates the Division of Work Order.

The Government’s notice has not provided and Mr. Sblendorio’s indictment does not provides any overt acts to form the basis of any overlapping of charges or facts related to any cases known to be within Judge Werlein’s court, nor has the

Government alleged that Judge Ellison has some bias or deficiency that makes him unable to hear this matter.

The re-assignment of Mr. Sblendorio's case is unnecessary and is contrary to the U.S. Judicial Conference's long-standing random-court assignment policy and the Houston Division's Division of Work Order (2024-01). Mr. Sblendorio urges the court to allow the unbiased process of random court assignment to remain in effect.

WHEREFORE, PREMISES CONSIDERED, Attorney for Defendant, JOHN SBLENDORIO requests that the Court deny the Government's request to reassign his case from the Honorable Keith Ellison and any and all further relief available to Defendant be Granted.

Respectfully submitted,

By: /s/ Anthony P. Troiani
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CERTIFICATE OF SERVICE

I, Anthony P. Troiani, Attorney for Defendant, JOHN SBLENDORIO hereby certifies that on this 5th day of November 2024, a true and correct copy of the foregoing Objection to Government's Request to Reassignment of Case was served by email on:

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/s/ Anthony P. Troiani
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